

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Criminal Writ Petition No.494 of 2006

Mohan Mahavirprasad Kaithwas
.vrs.
State of Maharashtra and one.

Dr. U.K. Kalasi, Advocate for the petitioner,
Mrs. K.S. Joshi, APP for the respondents/State.

CORAM : K. J. ROHEE & C. L. PANGARKAR, JJ
DATED : NOVEMBER 20, 2006

P.C.

1. Rule. Returnable forthwith. Heard finally by consent of parties.

2. The petitioner seeks death parole on account of the death of his brother. It is not disputed that Shrikisan, the elder brother of the petitioner, died on 6.8.2006. It is also not disputed that in 1999 the petitioner was released on parole on account of the death of his mother and at that time he had surrendered on due date. It is however contended that whenever the petitioner was released on furlough every time he did not surrender on due date and he was required to be arrested and brought to the jail. However, he was suitably punished for that. Considering these circumstances, we are of the view that the petitioner can be released on parole on account of the death of his elder brother. Hence the order :

3. The petition is allowed. The competent authority is directed to release the petitioner on death parole for two weeks by imposing suitable conditions.
4. Rule is made absolute in above terms.

JUDGE

JUDGE

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